

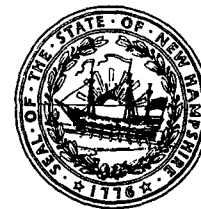


State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-1370 FAX (603) 271-1381

November 28, 2000



Tom Tillotson  
Executive Officer  
Tillotson Healthcare Corporation  
360 Route 101  
Bedford, New Hampshire 03110

**CERTIFIED MAIL (7099 3400 0002 9769 7389)**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**ARD No. 2000-018**

Dear Mr. Tillotson:

The New Hampshire Department of Environmental Services Air Resources Division (DES) is sending this Letter of Deficiency (LoD) to Tillotson Healthcare Corporation (Tillotson) to address issues of non-compliance with NH Admin. Rules Env-A 100-3600, NH Rules Governing The Control of Air Pollution and violations of specific requirements of the Title V Operating Permits issued to Tillotson's Dixville Notch facility and Tillotson's Rochester facility. Both facilities have failed to submit reports to DES that are required for the demonstration of compliance with the requirements of the Title V permits. In addition, neither facility has paid emission-based fees to DES since those last paid in 1996 for calendar year 1995. Finally, Tillotson's Dixville Notch facility has not submitted to DES a compliance plan showing how the facility will come into compliance with the ambient air limit for ammonia emissions specified in Env-A 1400 by May 8, 2001, or summary progress reports documenting the tasks completed to meet the federally enforceable sulfur dioxide and particulate matter emission limits of the Title V permit.

DES issued Title V Permit TV-OP-014 (permit #014) to Tillotson Healthcare Corporation's Rochester facility (Tillotson-Rochester) on March 17, 1999. The following deficiencies have been noted with regard to the requirements of permit #014:

- 1) Tillotson-Rochester is required by Item 9 of Table 8, Section VIII.F Reporting Requirements of the permit #014 and by 40 CFR 70.6(c)(1) to submit to DES an annual compliance certification by April 15 of the following year. DES has not received a compliance certification for the year 1999, that was required to be submitted by April 15, 2000, for the Tillotson-Rochester facility;
- 2) Tillotson-Rochester is required by Item 1 of Table 8, Section VIII.F Reporting Requirements of permit #014 and by 40 CFR 70.6(a)(3)(iii) to submit to DES every 6 months a summary report of monitoring and testing requirements. The data to be reported includes the results of the NOx RACT boiler efficiency testing, including the NOx and CO concentration data corrected to 15 % oxygen and opacity data taken during the testing; the preventative maintenance and inspection results of the stacks and emission units; preventative maintenance, inspections and weekly opacity observations of the baghouse; and summary of documentation of fuel sulfur content. These semi-annual reports are to be submitted to DES by Tillotson-Rochester by January 31 for the period of July through December of the previous year and by July 31 for the period of the previous January through June. The reports that were required to have been submitted to DES by July 31, 1999, January 31, 2000, and July 31, 2000 have not been received; and
- 3) Pursuant to Chapter Env-A 701.02, any applicant, owner or operator of a stationary source, area source, or device which requires a temporary permit to operate, Title V operating permit, or any combination of the foregoing permits pursuant to Env-A 600, shall pay emission-based fees to the Division each year starting in calendar year 1995 for calendar year 1994 actual emissions. Tillotson-Rochester is also required by Item 6 of Table 8, Section VIII.F Reporting Requirements and by Section XXIII of permit #014 to pay these annual fees by April 15 of the following year. Tillotson-Rochester last paid emission-based fees for calendar year 1995. No emission-based fees have been received by DES from Tillotson-Rochester for calendar years 1996 through 1998.

DES issued Title V Permit TV-OP-026 (permit #026) to Tillotson Healthcare Corporation's Dixville Notch facility (Tillotson-Dixville Notch) on May 25, 2000. The following deficiencies have been noted with regard to the requirements of permit #026:

- 4) Tillotson-Dixville Notch is required by Item 1 of Table 8, Section VIII.F Reporting Requirements of permit #026 and by 40 CFR 70.6(a)(3)(iii) to submit to DES every 6 months a summary report of monitoring and testing requirements. The data to be reported includes preventative maintenance and inspection results of the stacks and emission units; summary of maintenance and repair to the multiclone dust collector; summary of documentation of fuel sulfur content; summary of maintenance, calibration and repairs to the fuel flow meters on the Dillon boilers; and summary of fuel usage by the Wicks, wood-fired and Dillon boilers. These semi-annual reports are to be submitted to DES by Tillotson-Dixville Notch by January 31 for the period of July through December of the previous year and by July 31 for the period of the previous January through June. The report that was required to have been submitted to DES by July 31, 2000 was not received until October 30, 2000;
- 5) Pursuant to Chapter Env-A 701.02, any applicant, owner or operator of a stationary source, area source, or device which requires a temporary permit to operate, Title V operating permit, or any combination of the foregoing permits pursuant to Env-A 600, shall pay emission-based fees to the Division each year starting in calendar year 1995 for calendar year 1994 actual emissions. Tillotson-Dixville Notch is also required by Item 6 of Table 8, Section VIII.F Reporting Requirements of permit #026 and by Section XXIII of permit #026 to pay these annual fees by April 15 of the following year. Tillotson-Dixville Notch last paid emission-based fees for calendar year 1995. No emission-based fees have been received by DES from Tillotson-Dixville Notch for calendar years 1996 through 1998;
- 6) Tillotson-Dixville Notch is required by Section VIII.G Compliance Plan of permit #026 to submit to DES written progress reports of the events noted in Table 9, Compliance Task of Section VIII.G. These reports are to be submitted with 30 days of completion of the major events bringing the Wickes Type A boiler into compliance with the enforceable SO<sub>2</sub> emission limit and bringing the Wickes Type A wood-fired boiler into compliance with the federally enforceable particulate matter emission limit. DES has received no written progress reports from Tillotson-Dixville Notch; and
- 7) Ambient Air Modeling performed by DES as part of the Title V permit application review process predicted an exceedance of the allowable Ambient Air Limit (AAL) for ammonia specified in Chapter Env-A 1400, Regulated Toxic Air Pollutants. Tillotson-Dixville Notch submitted a Title V Emissions Compliance Plan and Schedule to DES, dated April 24, 2000, showing the steps to be taken bring all predicted emissions exceedances into compliance with the appropriate standards, however, the steps described in the Compliance Plan and Schedule do not provide a means of bringing the ammonia emissions into compliance with the AAL. In accordance with Env-A 1405.03, the owner of an existing device or process not able to demonstrate compliance by the means described in Env-A 1400 shall submit to DES a compliance plan identifying how the device or process will comply with this chapter by May 8, 2001. This plan is required to be submitted to DES by May 8, 2000.

DES believes that the above-noted deficiencies can be resolved by Tillotson Healthcare Corporation taking the following action:

- 1) Within 30 days of receipt of this LoD, submit to DES the annual compliance certification for Tillotson-Rochester for calendar year 1999 that was required to have been submitted to DES by April 15, 2000 by Item 9 of Table 8, Section VIII.F Reporting Requirements of permit #014 and by 40 CFR 70.6(c)(1);
- 2) Within 30 days of receipt of this LoD, submit to DES the semi-annual summary reports of monitoring and testing requirements for Tillotson-Rochester that were required to have been submitted to DES by Item 1 of Table 8, Section VIII.F Reporting Requirements of permit #014 and permit #026.

- 3) Enclosed with this LoD is an invoice for emissions fees for actual emissions in calendar years 1996 through 1999 for both Tillotson facilities. This includes the past due emissions fees for calendar years 1996 through 1998, and the emissions fees for 1999 which are due payable by January 31, 2001. Please submit a proposed schedule for the payment of the past due fees in the amount of \$84,309.67 within 30 days of receipt of this letter;
- 3) Within 30 days of this letter, submit to DES as required by Section VIII.G Compliance Plan of permit #026 any progress reports for the completion of major milestones at Tillotson-Dixville Notch as noted in Table 9, Compliance Task of Section VIII.G; and
- 4) Within 30 days of this letter, submit to DES as required by Env-A 1405.03 a compliance plan identifying the steps to be taken by Tillotson-Dixville Notch to comply with the AAL for ammonia specified in Env-A 1400 by May 8, 2001.

Please address all information to Ms. Mary Ruel, Enforcement Section Supervisor, at the following address:

NHDES Air Resources Division  
Compliance Bureau  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

Should you desire a current copy of the Air Resource Division rules, they can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information and Permitting Section at (603) 271-2975

In the event that any future violations of these rules occur, or if no response is received, DES may take further action against Tillotson including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties. If you have any questions regarding this matter, or require further information please contact Mary Ruel at (603) 271-6795 or Raymond Walters at (603) 271-6288.

Sincerely,



Robert R. Scott  
Chief Air Programs Manager  
Air Resources Division

RRS/raw  
Enclosures

cc: Ronald Guerin, Tillotson Healthcare – Dixville Notch  
John Harrington, Tillotson Healthcare – Rochester  
Richard Hall - Tillotson Healthcare – Rochester  
K. Colburn, Director, NHDES-ARD  
G. Rule, NHDES-O/C  
T. McCusker, EPA-Region I  
Enforcement File